

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

CRIMINAL APPLICATION NO. 2690 OF 2017

RAMESH S/O. VITHAL WATHORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for applicant :Mr. R.B. Narvade Patil
APP for respondent/State:Mr.S.P. Deshmukh
Advocate for respondent nos.2 to 5 : Mr.Anand R.
Magar holding for Mr. G.P. Shinde

...
CORAM: S.S.SHINDE & A.M. DHAVAL, JJ.

Dated: September 01, 2017

...

Heard the learned counsel appearing for the applicant, learned APP appearing for the respondent/State and the learned counsel appearing for respondent nos.2 to 5.

2. The learned counsel appearing for the applicant invites our attention to the evidence of the prosecution witnesses and also the medical evidence and submits that, the said evidence has not been

properly appreciated by the trial Court.

3. On the other hand, the learned counsel appearing for respondent nos. 2 to 5 invites our attention to the findings recorded by the trial Court and submits that, the findings recorded by the trial Court are in consonance with the evidence brought on record. There is no perversity as such. The possible view has been taken by the trial Court. Hence the application seeking leave to file appeal may be rejected.

4. We have considered the submissions advanced by the learned counsel appearing for the applicant, learned counsel appearing for respondent nos.2 to 5 and the learned A.P.P. appearing for respondent/State.

5. Upon careful perusal of the findings recorded by the trial Court, we are of the prima facie view that, the evidence of injured witnesses and also the medical evidence has not been properly considered and appreciated by the trial Court. In that view of the matter, the case is established for allowing this application seeking leave to file appeal from the

judgment and order dated 27th March, 2017 passed by the Additional Sessions Judge-4, Nanded in Sessions Case No. 40/2013. Accordingly, the application is allowed and the same stands disposed of.

6. **Appeal is admitted.** On admission, the learned A.P.P. waives service on behalf of respondent/State. Mr. Anand R. Magar holding for Mr. G.P. Shinde waives service on behalf of respondent nos.2 to 5.

7. Action under section 390 of Cr.P.C. to follow against respondent nos. 2 to 5 before the Court of Additional Sessions Judge-4, Nanded.

(A.M. DHAVALÉ, J)

(S.S. SHINDE, J)